

**MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT
AIR QUALITY DIVISION**

EFFECTIVE DATE: April 22, 2011

ISSUED TO

CMS Generation - Kalamazoo River Generating Station

State Registration Number (SRN): N6731

LOCATED AT

6900 East Michigan Avenue, Comstock, Michigan 49093

RENEWABLE OPERATING PERMIT

Permit Number: MI-ROP-N6731-2011

Expiration Date: April 22, 2016

Administratively Complete ROP Renewal Application Due Between October 22, 2014, and
October 22, 2015

This Renewable Operating Permit (ROP) is issued in accordance with and subject to Section 5506(3) of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451). Pursuant to Michigan Air Pollution Control Rule 210(1), this ROP constitutes the permittee's authority to operate the stationary source identified above in accordance with the general conditions, special conditions and attachments contained herein. Operation of the stationary source and all emission units listed in the permit are subject to all applicable future or amended rules and regulations pursuant to Act 451 and the federal Clean Air Act.

SOURCE-WIDE PERMIT TO INSTALL

Permit Number: MI-PTI-N6731-2011

This Permit to Install (PTI) is issued in accordance with and subject to Section 5505(5) of Act 451. Pursuant to Michigan Air Pollution Control Rule 214a, the terms and conditions herein, identified by the underlying applicable requirement citation of Rule 201(1)(a), constitute a federally enforceable PTI. The PTI terms and conditions do not expire and remain in effect unless the criteria of Rule 201(6) are met. Operation of all emission units identified in the PTI is subject to all applicable future or amended rules and regulations pursuant to Act 451 and the federal Clean Air Act.

Michigan Department of Natural Resources and Environment

Mary A. Douglas, Kalamazoo District Supervisor

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AUTHORITY AND ENFORCEABILITY

For the purpose of this permit, the **permittee** is defined as any person who owns or operates an emission unit at a stationary source for which this permit has been issued. The **department** is defined in Rule 104(d) as the Director of the Michigan Department of Natural Resources and Environment (MDNRE) or his or her designee.

The permittee shall comply with all specific details in the permit terms and conditions and the cited underlying applicable requirements. All terms and conditions in this ROP are both federally enforceable and state enforceable unless otherwise footnoted. Certain terms and conditions are applicable to most stationary sources for which an ROP has been issued. These general conditions are included in Part A of this ROP. Other terms and conditions may apply to a specific emission unit, several emission units which are represented as a flexible group, or the entire stationary source which is represented as a Source-Wide group. Special conditions are identified in Parts B, C, D and/or the appendices.

In accordance with Rule 213(2)(a), all underlying applicable requirements will be identified for each ROP term or condition. All terms and conditions that are included in a PTI, are streamlined or subsumed, or is state only enforceable will be noted as such.

In accordance with Section 5507 of Act 451, the permittee has included in the ROP application a compliance certification, a schedule of compliance, and a compliance plan. For applicable requirements with which the source is in compliance, the source will continue to comply with these requirements. For applicable requirements with which the source is not in compliance, the source will comply with the detailed schedule of compliance requirements that are incorporated as an appendix in this ROP. Furthermore, for any applicable requirements effective after the date of issuance of this ROP, the stationary source will meet the requirements on a timely basis, unless the underlying applicable requirement requires a more detailed schedule of compliance.

Issuance of this permit does not obviate the necessity of obtaining such permits or approvals from other units of government as required by law.

A. GENERAL CONDITIONS

Permit Enforceability

- All conditions in this permit are both federally enforceable and state enforceable unless otherwise noted. **(R 336.1213(5))**
- Those conditions that are hereby incorporated in a state only enforceable Source-Wide PTI pursuant to Rule 201(2)(d) are designated by footnote one. **(R 336.1213(5)(a), R 336.1214a(5))**
- Those conditions that are hereby incorporated in federally enforceable Source-Wide PTI No. MI-PTI-N6731-2011 pursuant to Rule 201(2)(c) are designated by footnote two. **(R 336.1213(5)(b), R 336.1214a(3))**

General Provisions

1. The permittee shall comply with all conditions of this ROP. Any ROP noncompliance constitutes a violation of Act 451, and is grounds for enforcement action, for ROP revocation or revision, or for denial of the renewal of the ROP. All terms and conditions of this ROP that are designated as federally enforceable are enforceable by the Administrator of the United States Environmental Protection Agency (USEPA) and by citizens under the provisions of the federal Clean Air Act (CAA). Any terms and conditions based on applicable requirements which are designated as “state only” are not enforceable by the USEPA or citizens pursuant to the CAA. **(R 336.1213(1)(a))**
2. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this ROP. **(R 336.1213(1)(b))**
3. This ROP may be modified, revised, or revoked for cause. The filing of a request by the permittee for a permit modification, revision, or termination, or a notification of planned changes or anticipated noncompliance does not stay any ROP term or condition. This does not supersede or affect the ability of the permittee to make changes, at the permittee's own risk, pursuant to Rule 215 and Rule 216. **(R 336.1213(1)(c))**
4. The permittee shall allow the department, or an authorized representative of the department, upon presentation of credentials and other documents as may be required by law and upon stating the authority for and purpose of the investigation, to perform any of the following activities **(R 336.1213(1)(d))**:
 - a. Enter, at reasonable times, a stationary source or other premises where emissions-related activity is conducted or where records must be kept under the conditions of the ROP.
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the ROP.
 - c. Inspect, at reasonable times, any of the following:
 - i. Any stationary source.
 - ii. Any emission unit.
 - iii. Any equipment, including monitoring and air pollution control equipment.
 - iv. Any work practices or operations regulated or required under the ROP.
 - d. As authorized by Section 5526 of Act 451, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the ROP or applicable requirements.

5. The permittee shall furnish to the department, within a reasonable time, any information the department may request, in writing, to determine whether cause exists for modifying, revising, or revoking the ROP or to determine compliance with this ROP. Upon request, the permittee shall also furnish to the department copies of any records that are required to be kept as a term or condition of this ROP. For information which is claimed by the permittee to be confidential, consistent with the requirements of the 1976 PA 442, MCL §15.231 et seq., and known as the Freedom of Information Act, the person may also be required to furnish the records directly to the USEPA together with a claim of confidentiality. **(R 336.1213(1)(e))**
6. A challenge by any person, the Administrator of the USEPA, or the department to a particular condition or a part of this ROP shall not set aside, delay, stay, or in any way affect the applicability or enforceability of any other condition or part of this ROP. **(R 336.1213(1)(f))**
7. The permittee shall pay fees consistent with the fee schedule and requirements pursuant to Section 5522 of Act 451. **(R 336.1213(1)(g))**
8. This ROP does not convey any property rights or any exclusive privilege. **(R 336.1213(1)(h))**

Equipment & Design

9. Any collected air contaminants shall be removed as necessary to maintain the equipment at the required operating efficiency. The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air. Transport of collected air contaminants in Priority I and II areas requires the use of material handling methods specified in Rule 370(2). **(R 336.1370)**
10. Any air cleaning device shall be installed, maintained, and operated in a satisfactory manner and in accordance with the Michigan Air Pollution Control rules and existing law. **(R 336.1910)**

Emission Limits

11. Except as provided in Subrules 2, 3, and 4 of Rule 301, states in part; “a person shall not cause or permit to be discharged into the outer air from a process or process equipment a visible emission of a density greater than the most stringent of Rule 301(1)(a) or (b) unless otherwise specified in this ROP.” The grading of visible emissions shall be determined in accordance with Rule 303 **(R 336.1301(1) in pertinent part)**:
 - a. A 6-minute average of 20 percent opacity, except for one 6-minute average per hour of not more than 27 percent opacity.
 - b. A limit specified by an applicable federal new source performance standard.
12. The permittee shall not cause or permit the emission of an air contaminant or water vapor in quantities that cause, alone or in reaction with other air contaminants, either of the following:
 - a. Injurious effects to human health or safety, animal life, plant life of significant economic value, or property.¹ **(R 336.1901(a))**
 - b. Unreasonable interference with the comfortable enjoyment of life and property.¹ **(R 336.1901(b))**

Testing/Sampling

13. The department may require the owner or operator of any source of an air contaminant to conduct acceptable performance tests, at the owner's or operator's expense, in accordance with Rule 1001 and Rule 1003, under any of the conditions listed in Rule 1001(1). **(R 336.2001)**
14. Any required performance testing shall be conducted in accordance with Rule 1001(2), Rule 1001(3) and Rule 1003. **(R 336.2001(2), R 336.2001(3), R 336.2003(1))**
15. Any required test results shall be submitted to the Air Quality Division (AQD) in the format prescribed by the applicable reference test method within 60 days following the last date of the test. **(R 336.2001(4))**

Monitoring/Recordkeeping

16. Records of any periodic emission or parametric monitoring required in this ROP shall include the following information specified in Rule 213(3)(b)(i), where appropriate **(R 336.1213(3)(b))**:
 - a. The date, location, time, and method of sampling or measurements.
 - b. The dates the analyses of the samples were performed.
 - c. The company or entity that performed the analyses of the samples.
 - d. The analytical techniques or methods used.
 - e. The results of the analyses.
 - f. The related process operating conditions or parameters that existed at the time of sampling or measurement.
17. All required monitoring data, support information and all reports, including reports of all instances of deviation from permit requirements, shall be kept and furnished to the department upon request for a period of not less than 5 years from the date of the monitoring sample, measurement, report or application. Support information includes all calibration and maintenance records and all original strip-chart recordings, or other original data records, for continuous monitoring instrumentation and copies of all reports required by the ROP. **(R 336.1213(1)(e), R 336.1213(3)(b)(ii))**

Certification & Reporting

18. Except for the alternate certification schedule provided in Rule 213(3)(c)(iii)(B), any document required to be submitted to the department as a term or condition of this ROP shall contain an original certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. **(R 336.1213(3)(c))**
19. A responsible official shall certify to the appropriate AQD District Office and to the USEPA that the stationary source is and has been in compliance with all terms and conditions contained in the ROP except for deviations that have been or are being reported to the appropriate AQD District Office pursuant to Rule 213(3)(c). This certification shall include all the information specified in Rule 213(4)(c)(i) through (v) and shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the certification are true, accurate, and complete. The USEPA address is: USEPA, Air Compliance Data-Michigan, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. **(R 336.1213(4)(c))**

20. The certification of compliance shall be submitted annually for the term of this ROP as detailed in the special conditions, or more frequently if specified in an applicable requirement or in this ROP. **(R 336.1213(4)(c))**
21. The permittee shall promptly report any deviations from ROP requirements and certify the reports. The prompt reporting of deviations from ROP requirements is defined in Rule 213(3)(c)(ii) as follows, unless otherwise described in this ROP **(R 336.1213(3)(c))**:
 - a. For deviations that exceed the emissions allowed under the ROP, prompt reporting means reporting consistent with the requirements of Rule 912 as detailed in Condition 25. All reports submitted pursuant to this paragraph shall be promptly certified as specified in Rule 213(3)(c)(iii).
 - b. For deviations which exceed the emissions allowed under the ROP and which are not reported pursuant to Rule 912 due to the duration of the deviation, prompt reporting means the reporting of all deviations in the semiannual reports required by Rule 213(3)(c)(i). The report shall describe reasons for each deviation and the actions taken to minimize or correct each deviation.
 - c. For deviations that do not exceed the emissions allowed under the ROP, prompt reporting means the reporting of all deviations in the semiannual reports required by Rule 213(3)(c)(i). The report shall describe the reasons for each deviation and the actions taken to minimize or correct each deviation.
22. For reports required pursuant to Rule 213(3)(c)(ii), prompt certification of the reports is described in Rule 213(3)(c)(iii) as either of the following **(R 336.1213(3)(c))**:
 - a. Submitting a certification by a responsible official with each report which states that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate, and complete.
 - b. Submitting, within 30 days following the end of a calendar month during which one or more prompt reports of deviations from the emissions allowed under the ROP were submitted to the department pursuant to Rule 213(3)(c)(ii), a certification by a responsible official which states that, "based on information and belief formed after reasonable inquiry, the statements and information contained in each of the reports submitted during the previous month were true, accurate, and complete". The certification shall include a listing of the reports that are being certified. Any report submitted pursuant to Rule 213(3)(c)(ii) that will be certified on a monthly basis pursuant to this paragraph shall include a statement that certification of the report will be provided within 30 days following the end of the calendar month.
23. Semiannually for the term of the ROP as detailed in the special conditions, or more frequently if specified, the permittee shall submit certified reports of any required monitoring to the appropriate AQD District Office. All instances of deviations from ROP requirements during the reporting period shall be clearly identified in the reports. **(R 336.1213(3)(c)(i))**
24. On an annual basis, the permittee shall report the actual emissions, or the information necessary to determine the actual emissions, of each regulated air pollutant as defined in Rule 212(6) for each emission unit utilizing the emissions inventory forms provided by the department. **(R 336.1212(6))**
25. The permittee shall provide notice of an abnormal condition, start-up, shutdown, or malfunction that results in emissions of a hazardous or toxic air pollutant which continue for more than one hour in excess of any applicable standard or limitation, or emissions of any air contaminant continuing for more than two hours in excess of an applicable standard or limitation, as required in Rule 912, to the appropriate AQD District Office. The notice shall be provided not later than two business days after the start-up, shutdown, or discovery of the abnormal conditions or malfunction. Notice shall be by any reasonable means, including electronic, telephonic, or oral communication. Written reports, if required under Rule 912, must be submitted to the appropriate AQD District Supervisor within 10 days after the start-up or shutdown occurred, within 10 days after the abnormal conditions or malfunction has been corrected, or within 30 days of discovery of the abnormal conditions or malfunction, whichever is first. The written reports shall

include all of the information required in Rule 912(5) and shall be certified by a responsible official in a manner consistent with the CAA. **(R 336.1912)**

Permit Shield

26. Compliance with the conditions of the ROP shall be considered compliance with any applicable requirements as of the date of ROP issuance, if either of the following provisions is satisfied **(R 336.1213(6)(a)(i), R 336.1213(6)(a)(ii))**:

- a. The applicable requirements are included and are specifically identified in the ROP.
- b. The permit includes a determination or concise summary of the determination by the department that other specifically identified requirements are not applicable to the stationary source.

Any requirements identified in Part E of this ROP have been identified as non-applicable to this ROP and are included in the permit shield.

27. Nothing in this ROP shall alter or affect any of the following:

- a. The provisions of Section 303 of the CAA, emergency orders, including the authority of the USEPA under Section 303 of the CAA. **(R 336.1213(6)(b)(i))**
- b. The liability of the owner or operator of this source for any violation of applicable requirements prior to or at the time of this ROP issuance. **(R 336.1213(6)(b)(ii))**
- c. The applicable requirements of the acid rain program, consistent with Section 408(a) of the CAA. **(R 336.1213(6)(b)(iii))**
- d. The ability of the USEPA to obtain information from a source pursuant to Section 114 of the CAA. **(R 336.1213(6)(b)(iv))**

28. The permit shield shall not apply to provisions incorporated into this ROP through procedures for any of the following:

- a. Operational flexibility changes made pursuant to Rule 215. **(R 336.1215(5))**
- b. Administrative Amendments made pursuant to Rule 216(1)(a)(i)-(iv). **(R 336.1216(1)(b)(iii))**
- c. Administrative Amendments made pursuant to Rule 216(1)(a)(v) until the amendment has been approved by the department. **(R 336.1216(1)(c)(iii))**
- d. Minor Permit Modifications made pursuant to Rule 216(2). **(R 336.1216(2)(f))**
- e. State-Only Modifications made pursuant to Rule 216(4) until the changes have been approved by the department. **(R 336.1216(4)(e))**

29. Expiration of this ROP results in the loss of the permit shield. If a timely and administratively complete application for renewal is submitted not more than 18 months, but not less than 6 months, before the expiration date of the ROP, but the department fails to take final action before the end of the ROP term, the existing ROP does not expire until the renewal is issued or denied, and the permit shield shall extend beyond the original ROP term until the department takes final action. **(R 336.1217(1)(c), R 336.1217(1)(a))**

Revisions

30. For changes to any process or process equipment covered by this ROP that do not require a revision of the ROP pursuant to Rule 216, the permittee must comply with Rule 215. **(R 336.1215, R 336.1216)**

31. A change in ownership or operational control of a stationary source covered by this ROP shall be made pursuant to Rule 216(1). **(R 336.1219(2))**

32. For revisions to this ROP, an administratively complete application shall be considered timely if it is received by the department in accordance with the time frames specified in Rule 216. **(R 336.1210(9))**
33. Pursuant to Rule 216(1)(b)(iii), Rule 216(2)(d) and Rule 216(4)(d), after a change has been made, and until the department takes final action, the permittee shall comply with both the applicable requirements governing the change and the ROP terms and conditions proposed in the application for the modification. During this time period, the permittee may choose to not comply with the existing ROP terms and conditions that the application seeks to change. However, if the permittee fails to comply with the ROP terms and conditions proposed in the application during this time period, the terms and conditions in the ROP are enforceable. **(R 336.1216(1)(c)(iii), R 336.1216(2)(d), R 336.1216(4)(d))**

Reopenings

34. A ROP shall be reopened by the department prior to the expiration date and revised by the department under any of the following circumstances:
 - a. If additional requirements become applicable to this stationary source with three or more years remaining in the term of the ROP, but not if the effective date of the new applicable requirement is later than the ROP expiration date. **(R 336.1217(2)(a)(i))**
 - b. If additional requirements pursuant to Title IV of the CAA become applicable to this stationary source. **(R 336.1217(2)(a)(ii))**
 - c. If the department determines that the ROP contains a material mistake, information required by any applicable requirement was omitted, or inaccurate statements were made in establishing emission limits or the terms or conditions of the ROP. **(R 336.1217(2)(a)(iii))**
 - d. If the department determines that the ROP must be revised to ensure compliance with the applicable requirements. **(R 336.1217(2)(a)(iv))**

Renewals

35. For renewal of this ROP, an administratively complete application shall be considered timely if it is received by the department not more than 18 months, but not less than 6 months, before the expiration date of the ROP. **(R 336.1210(7))**

Stratospheric Ozone Protection

36. If the permittee is subject to Title 40 of the Code of Federal Regulations (CFR), Part 82 and services, maintains, or repairs appliances except for motor vehicle air conditioners (MVAC), or disposes of appliances containing refrigerant, including MVAC and small appliances, or if the permittee is a refrigerant reclaimer, appliance owner or a manufacturer of appliances or recycling and recovery equipment, the permittee shall comply with all applicable standards for recycling and emissions reduction pursuant to 40 CFR, Part 82, Subpart F.
37. If the permittee is subject to 40 CFR, Part 82, and performs a service on motor (fleet) vehicles when this service involves refrigerant in the MVAC, the permittee is subject to all the applicable requirements as specified in 40 CFR, Part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners. The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed by the original equipment manufacturer. The term MVAC as used in Subpart B does not include the air-tight sealed refrigeration system used for refrigerated cargo or an air conditioning system on passenger buses using Hydrochlorofluorocarbon-22 refrigerant.

Risk Management Plan

38. If subject to Section 112(r) of the CAA and 40 CFR, Part 68, the permittee shall register and submit to the USEPA the required data related to the risk management plan for reducing the probability of accidental releases of any regulated substances listed pursuant to Section 112(r)(3) of the CAA as amended in 40 CFR, Part 68.130. The list of substances, threshold quantities, and accident prevention regulations promulgated under 40 CFR, Part 68, do not limit in any way the general duty provisions under Section 112(r)(1).
39. If subject to Section 112(r) of the CAA and 40 CFR, Part 68, the permittee shall comply with the requirements of 40 CFR, Part 68, no later than the latest of the following dates as provided in 40 CFR, Part 68.10(a):
 - a. June 21, 1999,
 - b. Three years after the date on which a regulated substance is first listed under 40 CFR, Part 68.130, or
 - c. The date on which a regulated substance is first present above a threshold quantity in a process.
40. If subject to Section 112(r) of the CAA and 40 CFR, Part 68, the permittee shall submit any additional relevant information requested by any regulatory agency necessary to ensure compliance with the requirements of 40 CFR, Part 68.
41. If subject to Section 112(r) of the CAA and 40 CFR, Part 68, the permittee shall annually certify compliance with all applicable requirements of Section 112(r) as detailed in Rule 213(4)(c). **(40 CFR, Part 68)**

Emission Trading

42. Emission averaging and emission reduction credit trading are allowed pursuant to any applicable interstate or regional emission trading program that has been approved by the Administrator of the USEPA as a part of Michigan's State Implementation Plan. Such activities must comply with Rule 215 and Rule 216. **(R 336.1213(12))**

Permit To Install (PTI)

43. The process or process equipment included in this permit shall not be reconstructed, relocated, or modified unless a PTI authorizing such action is issued by the department, except to the extent such action is exempt from the PTI requirements by any applicable rule. ² **(R 336.1201(1))**
44. The department may, after notice and opportunity for a hearing, revoke PTI terms or conditions if evidence indicates the process or process equipment is not performing in accordance with the terms and conditions of the PTI or is violating the department's rules or the CAA. ² **(R 336.1201(8), Section 5510 of Act 451)**
45. The terms and conditions of a PTI shall apply to any person or legal entity that now or hereafter owns or operates the process or process equipment at the location authorized by the PTI. If a new owner or operator submits a written request to the department pursuant to Rule 219 and the department approves the request, this PTI will be amended to reflect the change of ownership or operational control. The request must include all of the information required by Subrules (1)(a), (b) and (c) of Rule 219. The written request shall be sent to the appropriate AQD District Supervisor, MDNRE. ² **(R 336.1219)**

46. If the installation, reconstruction, relocation, or modification of the equipment for which PTI terms and conditions have been approved has not commenced within 18 months, or has been interrupted for 18 months, the applicable terms and conditions from that PTI shall become void unless otherwise authorized by the department. Furthermore, the person to whom that PTI was issued, or the designated authorized agent, shall notify the department via the Supervisor, Permit Section, MDNRE, AQD, P.O. Box 30260, Lansing, Michigan 48909, if it is decided not to pursue the installation, reconstruction, relocation, or modification of the equipment allowed by the terms and conditions from that PTI. ² **(R 336.1201(4))**

Footnotes:

¹This condition is state only enforceable and was established pursuant to Rule 201(1)(b).

²This condition is federally enforceable and was established pursuant to Rule 201(1)(a).

B. SOURCE-WIDE CONDITIONS

Part B outlines the Source-Wide Terms and Conditions that apply to this stationary source. The permittee is subject to these special conditions for the stationary source in addition to the general conditions in Part A and any other terms and conditions contained in this ROP.

The permittee shall comply with all specific details in the special conditions and the underlying applicable requirements cited. If a specific condition type does not apply to this source, NA (not applicable) has been used in the table. If there are no Source-Wide Conditions, this section will be left blank.

C. EMISSION UNIT CONDITIONS

Part C outlines terms and conditions that are specific to individual emission units listed in the Emission Unit Summary Table. The permittee is subject to the special conditions for each emission unit in addition to the General Conditions in Part A and any other terms and conditions contained in this ROP.

The permittee shall comply with all specific details in the special conditions and the underlying applicable requirements cited. If a specific condition type does not apply, NA (not applicable) has been used in the table. If there are no conditions specific to individual emission units, this section will be left blank.

EMISSION UNIT SUMMARY TABLE

The descriptions provided below are for informational purposes and do not constitute enforceable conditions.

Emission Unit ID	Emission Unit Description (Including Process Equipment & Control Device(s))	Installation Date/ Modification Date	Flexible Group ID
EUCOMBTURB01	GE Frame 7E combustion turbine nominally rated at 73.5 MW (786.5 MMBTU/HR).	11/03/1998	NA

**EUCOMBTURB01
 EMISSION UNIT CONDITIONS**

DESCRIPTION

GE Frame 7E natural gas fired combustion turbine nominally rated at 73.5 MW (786.5 MMBTU/HR).

Flexible Group ID: NA

POLLUTION CONTROL EQUIPMENT

NA

I. EMISSION LIMIT(S)

Pollutant	Limit	Time Period/ Operating Scenario	Equipment	Monitoring/ Testing Method	Underlying Applicable Requirements
1. Nitrogen Oxides (as nitrogen dioxide)	15 parts per million, by volume and on a dry gas basis at 15% oxygen. ²	Test Protocol	EUCOMBTURB01	General Condition 13	(R 336.1205(3)) (40 CFR 60.332(a)(1))
2. Nitrogen Oxides (as nitrogen dioxide)	48.3 pounds per hour. ²	Test Protocol	EUCOMBTURB01	Appendix 9	(R 336.1205(3))

II. MATERIAL LIMIT(S)

NA

III. PROCESS/OPERATIONAL RESTRICTION(S)

1. The permittee shall only fire natural gas as defined in 40 CFR, 60.331(u). Compliance with this applicable requirement shall be considered compliance with 40 CFR, 60.333(b) which has been subsumed under this streamlined requirement. **(R 336.1213(3)), (40 CFR 60.333(b))**

IV. DESIGN/EQUIPMENT PARAMETER(S)

NA

V. TESTING/SAMPLING

Records shall be maintained on file for a period of five years. **(R 336.1213(3)(b)(ii))**

1. The permittee shall test for nitrogen oxides in accordance with the methods in 40 CFR, Part 75, Appendix E, and procedures specified in the AQD approved Continuous Compliance Protocol outlined in Appendix 9, or equivalent method approved by the AQD. **(R336.1213(3))**

2. The permittee shall perform testing for nitrogen oxide emission rates on a time schedule as described in the Continuous Compliance Protocol outlined in Appendix 9. (R336.1213(3))
3. The permittee shall submit a complete test protocol to the AQD for approval at least 30 days prior to the scheduled test date. **(R 336.1213(3))**
4. The permittee shall submit a complete test report to the AQD within 60 days after the completion of the test. **(R 336.1213(3), R 336.2001(4))**

See Appendix 5

VI. MONITORING/RECORDKEEPING

Records shall be maintained on file for a period of five years **(R 336.1213(3)(b)(ii))**:

1. The permittee shall demonstrate that the fuel meets the definition of natural gas as defined in 40 CFR, 60.331(u) in accordance with the AQD approved "Fuel Sulfur Content Determination" procedure as outlined in Appendix 10. **(40 CFR 60.334(h)(3))**
2. The permittee shall monitor and record hours of operation for each calendar month. **(R 336.1213(3))**
3. The permittee shall continuously monitor and record fuel consumption. **(R 336.1213(3))**
4. The permittee shall calculate and record sulfur dioxide emissions in accordance with the procedures outlined in 40 CFR, Part 75, Appendix D, for each calendar quarter. **(40 CFR 75.11(d)(2))**
5. The permittee shall monitor and record Greenhouse Gas (GHG) emissions according to the requirements of 40 CFR, Part 98, Subparts A and D, as stated in the sources GHG monitoring plan. (40 CFR, Part 98, Subparts A and D)

See Appendix 10

VII. REPORTING

1. Prompt reporting of deviations pursuant to General Conditions 21 and 22 of Part A. **(R 336.1213(3)(c)(ii))**
2. Semiannual reporting of monitoring and deviations pursuant to General Condition 23 of Part A. The report shall be postmarked or received by the appropriate AQD District Office by March 15 for reporting period July 1 to December 31 and September 15 for reporting period January 1 to June 30. **(R 336.1213(3)(c)(i))**
3. Annual certification of compliance pursuant to General Conditions 19 and 20 of Part A. The report shall be postmarked or received by the appropriate AQD District Office by March 15 for the previous calendar year. **(R 336.1213(4)(c))**
4. The permittee shall report to the Administrator no later than March 31 for the previous calendar year, GHG emissions and applicable parameters pursuant to 40 CFR 98, Subparts A and D. (40 CFR 98 Subparts A and D)

See Appendix 8

VIII. STACK/VENT RESTRICTION(S)

The exhaust gases from the stacks listed in the table below shall be discharged unobstructed vertically upwards to the ambient air unless otherwise noted:

1. SVCOMBTUB01	138 x 174 ²	60 ²	(R 336.1225), (40 CFR 52.21(c))
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IX. OTHER REQUIREMENTS

1. The permittee shall operate the turbine in accordance within the manufacturer's recommended performance range and in accordance with the operational standards specified in the AQD approved Continuous Compliance Protocol outlined in Appendix 9. **(R 336.1213(3))**
2. The permittee shall comply with all applicable provisions of the New Source Performance Standard for Stationary Gas Turbines. **(40 CFR Part 60 Subpart GG)**
3. The permittee shall comply with all applicable provisions of the New Source Performance Standard General Provisions. **(40 CFR Part 60 Subpart A)**
4. The permittee shall comply with the acid rain permitting provisions of 40 CFR, Part 72.1 to 72.94, as outlined in a complete Phase II, Acid Rain Permit issued by the AQD. Phase II, Acid Rain Permit No. MI-AR-55101-2011 is hereby incorporated into this ROP as Appendix 11. **(R 336.1299(d))** The permittee shall not allow the emission of an air pollutant to exceed the amount of any emission allowances that an affected source lawfully holds as of the allowance transfer deadline pursuant to Rule 299(d) and 40 CFR, Part 72.9(c)(1)(i). **(R 336.1213(10))**
5. The permittee shall comply with the CAIR NOx Annual Trading Program provisions of 40 CFR, Part 97-101 through 40 CFR, Part 97-188, as adopted and modified by R 336.1802a, R 336.1803, R 336.1821 and R 336.1830 through R 336.1834 and as outlined in any complete CAIR NOx Annual Permit issued by the AQD. The CAIR NOx Annual Permit No. MI-NOA-(55101)-(2011) is hereby incorporated into the ROP as Appendix 13. **(R 336.1821)**
6. The permittee shall comply with the CAIR Ozone NOx Trading Program provisions of 40 CFR, Part 97.301 through 40 CFR, 97.388, as adopted and modified by R 336.1802a, R 336.1803 and R 336.1821 through R 336.1826 and as outlined in any complete CAIR Ozone NOx Permit issued by the AQD. The CAIR Ozone NOx Permit No. MI-NOO-(55101)-(2011) is hereby incorporated into this ROP as Appendix 12. **(R 336.1821)**
7. Permittee shall hold NOx allowances available for compliance deductions under 40 CFR, Part 96.54, in the unit's compliance account or the source's overdraft account in an amount not less than the total NOx emissions for the control period from the unit. **(R 336.1805, 40 CFR Part 96.6(c))**
8. Permittee shall comply with the NOx Budget Trading permitting provisions of 40 CFR, Part 96.1 to 96.88, as adopted and modified by R 336.1802 to R 336.1816, and as outlined in any complete NOx Budget Permit issued by the AQD. The NOx Budget Permit No. MI-NOX-55101-2011 is hereby incorporated into this ROP as Appendix 12. **(R 336.1802)**
9. The permittee shall comply with all procedures set forth in the AQD approved Continuous Compliance Protocol outlined in Appendix 9.² **(R 336.1213(3))**
10. The permittee shall comply with the provisions of 40 CFR 98, Subparts A and D, as applicable to EUCOMBTURB01. **(40 CFR 98 Subparts A and D)**

See Appendices 9, 11, 12, and 13

Footnotes:

¹This condition is state only enforceable and was established pursuant to Rule 201(1)(b).

²This condition is federally enforceable and was established pursuant to Rule 201(1)(a).

D. FLEXIBLE GROUP CONDITIONS

Part D outlines the terms and conditions that apply to more than one emission unit. The permittee is subject to the special conditions for each flexible group in addition to the General Conditions in Part A and any other terms and conditions contained in this ROP.

The permittee shall comply with all specific details in the special conditions and the underlying applicable requirements cited. If a specific condition type does not apply, NA (not applicable) has been used in the table. If there are no special conditions that apply to more than one emission unit, this section will be left blank.

E. NON-APPLICABLE REQUIREMENTS

At the time of the ROP issuance, the AQD has determined that the requirements identified in the table below are not applicable to the specified emission unit(s) and/or flexible group(s). This determination is incorporated into the permit shield provisions set forth in the General Conditions in Part A pursuant to Rule 213(6)(a)(ii). If the permittee makes a change that affects the basis of the non-applicability determination, the permit shield established as a result of that non-applicability decision is no longer valid for that emission unit or flexible group.

Emission Unit/Flexible Group ID	Non-Applicable Requirement	Justification
EUCOMBTURB01	40 CFR 63.6090(B)(4)	Existing stationary combustion turbines do not have to meet the requirements of Part 63, Subpart YYYY nor Subpart A. Additionally, no initial notification was required for any existing stationary combustion turbine. New and reconstructed turbines are subject to this subpart and initial notification.
EUCOMBTURB01	40 CFR 60.334(a)	The stationary gas turbine does not use water or steam injection to control nitrogen oxide emissions. Therefore, the emission unit is not required to install a monitoring system to monitor and record water to fuel ratio and fuel consumption.
EUCOMBTURB01	40 CFR 60.334(h)(1&2)	The permittee is not required to monitor sulfur content or nitrogen content of the fuel because the permittee is restricted to firing natural gas or pipeline natural gas, and a fuel bound nitrogen allowance has not been claimed.
EUCOMBTURB01	40 CFR 60.334(j) 40 CFR 60.7(c)	The permittee is not required to submit excess emission and monitoring system performance reports for nitrogen oxides or sulfur dioxide emissions because a continuous emission or parameter monitoring system is not required by 40 CFR, Part 60, Subpart GG, nor is periodic fuel sampling required to determine the sulfur and nitrogen content.

APPENDICES

Appendix 1. Abbreviations and Acronyms

The following is an alphabetical listing of abbreviations/acronyms that may be used in this permit.

AQD	Air Quality Division	MM	Million
acfm	Actual cubic feet per minute	MSDS	Material Safety Data Sheet
BACT	Best Available Control Technology	MW	Megawatts
BTU	British Thermal Unit	NA	Not Applicable
°C	Degrees Celsius	NAAQS	National Ambient Air Quality Standards
CAA	Federal Clean Air Act	NESHAP	National Emission Standards for Hazardous Air Pollutants
CAM	Compliance Assurance Monitoring	NMOC	Non-methane Organic Compounds
CEM	Continuous Emission Monitoring	NOx	Oxides of Nitrogen
CFR	Code of Federal Regulations	NSPS	New Source Performance Standards
CO	Carbon Monoxide	NSR	New Source Review
COM	Continuous Opacity Monitoring	PM	Particulate Matter
department	Mich Dept of Natural Resources and Env	PM-10	Particulate Matter less than 10 microns in diameter
dscf	Dry standard cubic foot	pph	Pound per hour
dscm	Dry standard cubic meter	ppm	Parts per million
EPA	United States Environmental Protection Agency	ppmv	Parts per million by volume
EU	Emission Unit	ppmw	Parts per million by weight
°F	Degrees Fahrenheit	PS	Performance Specification
FG	Flexible Group	PSD	Prevention of Significant Deterioration
GACS	Gallon of Applied Coating Solids	psia	Pounds per square inch absolute
gr	Grains	psig	Pounds per square inch gauge
HAP	Hazardous Air Pollutant	PeTE	Permanent Total Enclosure
Hg	Mercury	PTI	Permit to Install
hr	Hour	RACT	Reasonable Available Control Technology
HP	Horsepower	ROP	Renewable Operating Permit
H ₂ S	Hydrogen Sulfide	SC	Special Condition
HVLP	High Volume Low Pressure *	scf	Standard cubic feet
ID	Identification (Number)	sec	Seconds
IRSL	Initial Risk Screening Level	SCR	Selective Catalytic Reduction
ITSL	Initial Threshold Screening Level	SO ₂	Sulfur Dioxide
LAER	Lowest Achievable Emission Rate	SRN	State Registration Number
lb	Pound	TAC	Toxic Air Contaminant
m	Meter	Temp	Temperature
MACT	Maximum Achievable Control Technology	THC	Total Hydrocarbons
MAERS	Michigan Air Emissions Reporting System	tpy	Tons per year
MAP	Malfunction Abatement Plan	µg	Microgram
MDNRE	Mich Dept of Natural Resources and Env	VE	Visible Emissions
mg	Milligram	VOC	Volatile Organic Compounds
mm	Millimeter	yr	Year

*For HVLP applicators, the pressure measured at the gun air cap shall not exceed 10 pounds per square inch gauge (psig).

Appendix 2. Schedule of Compliance

The permittee certified in the ROP application that this stationary source is in compliance with all applicable requirements and the permittee shall continue to comply with all terms and conditions of this ROP. A Schedule of Compliance is not required. **(R 336.1213(4)(a), R 336.1119(a)(ii))**

Appendix 3. Monitoring Requirements

Specific monitoring requirement procedures, methods or specifications are detailed in Part A or the appropriate Source-Wide, Emission Unit and/or Flexible Group Special Conditions. Therefore, this appendix is not applicable.

Appendix 4. Recordkeeping

Specific recordkeeping requirement formats and procedures are detailed in Part A or the appropriate Source-Wide, Emission Unit and/or Flexible Group Special Conditions. Therefore, this appendix is not applicable.

Appendix 5. Testing Procedures

Specific testing requirement plans, procedures, and averaging times are detailed in the appropriate Source-Wide, Emission Unit and/or Flexible Group Special Conditions. Therefore, this appendix is not applicable.

Appendix 6. Permits to Install

The following table lists any PTIs issued since the effective date of previously issued ROP No. MI-ROP-N6731-2005. This includes any PTI that were incorporated into the Source-Wide PTI No MI-PTI-N6731-2005 through amendments or modifications and any PTI that remained off-permit until this ROP renewal.

Permit to Install Number	Description of Equipment	Corresponding Emission Unit(s) or Flexible Group(s)
NA	NA	NA

Appendix 7. Emission Calculations

Specific emission calculations to be used with monitoring, testing or recordkeeping data are detailed in the appropriate Source-Wide, Emission Unit and/or Flexible group Special Conditions. Therefore, this appendix is not applicable.

Appendix 8. Reporting

A. Annual, Semiannual, and Deviation Certification Reporting

The permittee shall use the MDNRE Report Certification form (EQP 5736) and MDNRE Deviation Report form (EQP 5737) for the annual, semiannual and deviation certification reporting referenced in the Reporting Section of the Source-Wide, Emission Unit and/or Flexible Group Special Conditions. Alternative formats must meet the provisions of Rule 213(4)(c) and Rule 213(3)(c)(i), respectively, and be approved by the AQD District Supervisor.

B. Other Reporting

Specific reporting requirement formats and procedures are detailed in Part A or the appropriate Source-Wide, Emission Unit and/or Flexible Group Special Conditions. Therefore, Part B of this appendix is not applicable.

Appendix 9. Continuous Compliance Protocol

This appendix provides information concerning the procedures that shall be implemented by the permittee to determine compliance with the nitrogen oxide emission limits and monitoring requirements for EUCOMBTURB01.

In accordance with 40 CFR, Part 75, Appendix E, a nitrogen oxide emissions estimation protocol may be used to determine the hourly nitrogen oxides emission rate. The protocol specified in 40 CFR, Part 75, Appendix E, shall be utilized to determine nitrogen oxides mass emissions. The results of a performance test are used to determine the relationship between nitrogen oxides emission rates and heat input. This relationship curve shall be used by the data acquisition system (DAS) to determine the hourly nitrogen oxides emissions. Hourly heat input shall be determined using equation F-20 in 40 CFR, Part 75, Appendix F. The gross caloric value (GCV) shall be determined in accordance with 40 CFR, Part 75, Subpart D.

Additionally, four turbine operating parameters indicative of nitrogen oxides formation and proper turbine operation shall be recorded during a performance test in accordance with 40 CFR, Part 75, Appendix E. These turbine operating parameters are: 1) inlet guide vane position, 2) compressor discharge temperature, 3) compressor discharge pressure, and 4) exhaust temperature. These operating parameters shall be continuously monitored by the DAS to ensure operation within the ranges (as provided by the turbine vendor) for each parameter that ensures that the nitrogen oxides formation characteristics remain consistent with those experienced during the performance tests. These parameters shall not be used to calculate nitrogen oxides emissions.

Table 9-1 provides the results of the 2005 performance test for EUCOMBTURB01 and the operating parameter ranges at each of the four tested load points. Table 9-1 contains all the data necessary to generate the nitrogen oxides correlation curve and the parameter ranges that are used to indicate proper turbine operations. Figure 9-1 provides a graph of the nitrogen oxides correlation data used by the DAS to interpolate hourly nitrogen oxides emissions. Records of these operating parameters shall be kept using the DAS for each hour of operation. The table and correlation curve will be updated when performance testing occurs and the most recent data will be used by the DAS.

A fuel flow meter shall be used to continuously measure fuel consumption using procedures specified in 40 CFR, Part 75, Appendix D, Section 2.1. Fuel consumption shall be determined using an ultra sonic type fuel flow meter that transmits a signal to the DAS. The DAS continuously records the fuel flow signal. In accordance with 40 CFR, Part 75, Appendix D, a monthly fuel sample shall be analyzed to

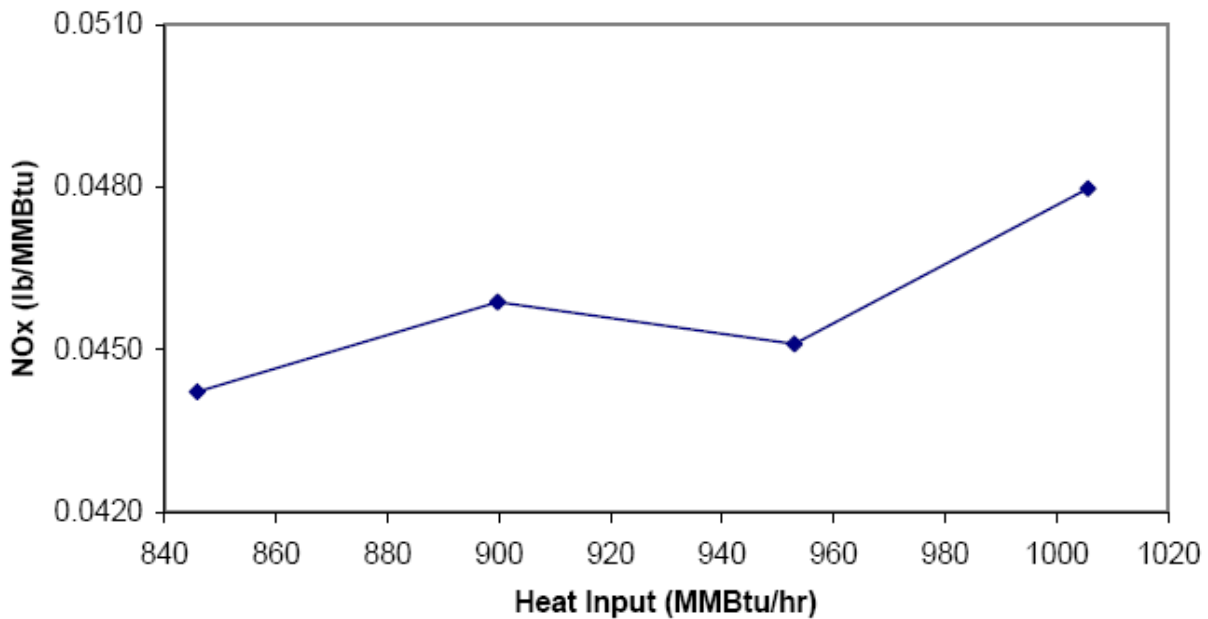
determine the GCV of the fuel that is used by the DAS to calculate heat input. This information shall be used by the DAS to determine the nitrogen oxides emissions in pounds per million BTU. The DAS shall use Equation E-1 from 40 CFR, Part 75, Appendix E, to determine heat input. The DAS shall then interpolate the hourly average nitrogen oxides emission using the nitrogen oxides correlation graph presented in Figure 9-1 and the following equation to calculate nitrogen oxides emissions in pounds per hour.

$$\text{NOx (lb/hr)} = \text{NOx (lb/MMBTU)} \times \text{Heat Input (MMBTU/HR)}$$

Table 9-1: EUCOMBTURB01 Performance Test Results

Heat Input (mmbtu/hr)	Nitrogen Oxides (lb/mmbtu)	Inlet Guide Vane (deg)	Compressor Discharge Temperature (°F)	Compressor Discharge Pressure (psi)	Exhaust Temperature (°F)
1,005.5	0.048	82 - 83	594-598	163-167	987-1002
952.9	0.045	73 - 74	575-576	152-154	995-996
899.8	0.046	66 - 67	560-563	142-144	1009-1010
845.9	0.044	60 - 61	549-550	133-134	1021-1023

Heat Input Rate vs NOx Emissions



The DAS shall generate excess emission reports for periods when the nitrogen oxides pounds per hour emission rates exceed permitted limits. These excess emission reports shall be submitted to the AQD as attachments to the MDNRE Report Certification form (EQP 5736) and MDNRE Deviation Report form (EQP 5737).

The nitrogen oxides emission rate heat input correlation must be re-determined under either of the following circumstances:

1. After continuously exceeding the manufacturer's recommended range of any of the four operating parameters for one or more successive operating periods totaling more than 16 unit operating hours;
2. At least once every 20 calendar quarters.

In accordance with the Federal Acid Rain Program, conducting a 40 CFR, Part 75, Appendix E, re-test shall not be considered as a re-certification event. However, the permittee must notify the AQD when 40 CFR, Part 75, Appendix E, testing occurs. Results of 40 CFR, Part 75, Appendix E, re-tests must be submitted to the AQD no later than 60 days after completing the testing. If requested in writing, test results shall also be submitted to the USEPA within 45 days after completing the test or 15 days of receiving the request, whichever is later.

Consistent with the requirements specified in 40 CFR, Part 75, Appendix E, a continuous nitrogen oxides emission monitoring system must be installed and certified no later than December 31st of the calendar year after EUCOMBTURB01 exceeds either of the following requirements:

1. An average capacity factor greater than 10 percent during any three consecutive years following startup; or
2. A capacity factor greater than 20 percent during any calendar years following startup.

Appendix 10. Fuel Sulfur Content Determination

This appendix provides information concerning the procedures that shall be implemented by the permittee to determine compliance with the fuel sulfur content limits and monitoring requirements for EUCOMBTURB01.

The permittee shall follow the procedures specified in 40 CFR, Part 75, Appendix D, to demonstrate compliance with the 40 CFR, Part 60, Subpart GG, fuel sulfur content limit by ensuring that only natural gas or pipeline natural gas are fired in the turbine.* The procedures specified in 40 CFR, Part 75, Appendix D, specify the following details:

1. A demonstration must be made that the natural gas being fired meets the specifications for natural gas (20 grains or less total sulfur per 100 scf; composed of at least 70% by volume methane or have a GCV of between 950 and 1,100 Btu/scf) as defined in 40 CFR, Part 72.2, or pipeline natural gas (0.5 grains or less of total sulfur per 100 scf; composed of at least 70% by volume methane or have a GCV of between 950 and 1,100 Btu/scf) as defined in 40 CFR, Part 72.2. This may be accomplished by one of the following methods:
 - a. The gas quality characteristics specified by a purchase contract, tariff sheet, or by a pipeline transportation contract.
 - b. Historical fuel sampling data for the previous 12 months, documenting the total sulfur content of the fuel and the GCV and/or percentage by volume of methane. The results of all sample analyses obtained by or provided to the owner or operator in the previous 12 months shall be used in the demonstration, and each sample result must meet the definition of natural gas or pipeline natural gas in 40 CFR, Part 72.2.
 - c. If the first two options are not available, at least one representative sample of the fuel is obtained and analyzed for total sulfur content and for either the GCV or percent methane, and the results of the sample analysis show that the fuel meets the definition of natural gas or pipeline natural gas in 40 CFR, Part 72.2. Use the sampling methods specified in sections 2.3.3.1.2 and 2.3.4 of 40 CFR, Part 75, Appendix D. The required fuel sample may be obtained and analyzed by the owner or operator, by an independent laboratory, or by the fuel supplier. If multiple samples are taken, each sample must meet the definition of natural gas or pipeline natural gas in 40 CFR, Part 72.2.

2. Periodic sampling of natural gas to determine fuel sulfur content is not required if a valid contract tariff sheet is used to demonstrate that the gas meets the definition of natural gas or pipeline natural gas in 40 CFR, 72.2. Otherwise, the total sulfur content of the natural gas will be determined annually and whenever the fuel supply source changes.
3. Determine the GCV of the gaseous fuel at least once per calendar month.
4. Periodic sampling of natural gas to determine fuel bound nitrogen is not required because pipeline grade natural gas does not contain appreciable amounts of fuel bound nitrogen.

*Both natural gas and pipeline natural gas as defined under 40 CFR, Part 72.2, meet the definition of natural gas under 40 CFR, Part 60, Subpart GG (60.331(u)).

Appendix 11. Phase II Acid Rain Permit

**PHASE II ACID RAIN PERMIT
 Permit No. MI-AR-55101-2011**

Permittee	CMS-Kalamazoo River Generating Station
Address	6900 East Michigan Avenue, Comstock, Michigan
SRN	N6731
ORIS code	55101
Issue Date	April 22, 2011
Effective:	Issuance date of this facility's ROP at the facility in accordance with 40 CFR 72.73.
Expiration	This permit shall expire when the facility's ROP expires, in accordance with 40 CFR 72.73.
ROP No.	MI-ROP-N6731-2011

The Acid Rain Permit Contents

1. A statement of basis prepared by the AQD containing:
 References to statutory and regulatory authorities, and with comments, notes, and justification that apply to the source in general;
2. Terms and conditions including:
 A table of sulfur dioxide allowances to be allocated during the term of the permit, if applicable, authorized by this permit during Phase II. Unless they are subject to Sections 405(g)(2) or (3) of the Clean Air Act, new units are not allocated allowances in 40 CFR, Part 73, and must obtain allowances by other means (Sectionc. 403(e) of the Clean Air Act).;
 Comments, notes, and justifications regarding permit decisions and changes made to the permit application forms during the review process and any additional requirements; and,
 Any applicable nitrogen oxides compliance plan. Unless they are coal fired utility units regulated pursuant to Sections 404, 405, or 409 of the Clean Air Act, new units are not subject to the acid rain nitrogen oxides requirements [40 CFR, Part 76.1(a)].
3. The permit application that this source submitted, as corrected by the AQD. The owners and operators of the source must comply with the standard requirements and special provisions set forth in the application.

Statement of Basis

Statutory and Regulatory Authorities.

In accordance with the Natural Resources and Environmental Protection Act, 1994 PA 451, and Titles IV and V of the Clean Air Act, the MDNRE, AQD, issues this permit pursuant to the provisions of R 336.1210 to R 336.1218, and R 336.1299(d).

For further information contact:

Mr. Brian Carley, Environmental Quality Specialist
MDNRE-AQD
301 Louis Glick Highway
Jackson, Michigan 49201
Telephone: 517-780-7843
Facsimile: 517-780-7437

There are no comments, notes and/or justification that apply to the source in general for this section.

Terms and Conditions:

Phase II Sulfur Dioxide Allowance Allocation and Nitrogen Oxides Requirements for each affected unit.

		2011	2012	2013	2014	2015
Unit	SO ₂ allowances	This affected unit shall hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under § 73.34(c) of this chapter) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and comply with the applicable acid rain emissions limitation for sulfur dioxide in accordance with 40 CFR, Part 72.9 (c).				

Comments, notes and justifications regarding permit decisions, and changes made to the permit application forms during the review process:

Permit Application: (attached)

Phase II Acid Rain application submitted August 10, 2010

Permit Requirements

STEP 3

Read the standard requirements.

- (1) The designated representative of each affected source and each affected unit at the source shall:
- (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
 - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each affected source and each affected unit at the source shall:
- (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
 - (ii) Have an Acid Rain Permit.

Monitoring Requirements

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the source or unit, as appropriate, with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements

- (1) The owners and operators of each source and each affected unit at the source shall:
- (i) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
 - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
- (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
 - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).

Sulfur Dioxide Requirements, Cont'd.

STEP 3, Cont'd.

(4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.

(5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.

(6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements

The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements

(1) The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.

(2) The owners and operators of an affected source that has excess emissions in any calendar year shall:

(i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and

(ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements

(1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:

(i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;

STEP 3, Cont'd.

Recordkeeping and Reporting Requirements, Cont'd.

- (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
 - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
 - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- (6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
- (7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating

Effect on Other Authorities, Cont'd.

STEP 3, Cont'd.

to applicable National Ambient Air Quality Standards or State Implementation Plans;

(2) Limiting the number of allowances a source can hold; *provided*, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the Act;

(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;

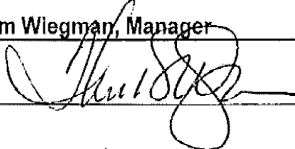
(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,

(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

Certification

STEP 4
Read the certification statement, sign, and date.

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name Tom Wiegman, Manager	
Signature 	Date 2/9/2012

Appendix 12. Nitrogen Oxide Budget Permit

**CAIR Ozone Nitrogen Oxide Budget Permit
 Permit No. MI-NOO-55101-2011**

Permittee	CMS- Kalamazoo River Generating Station
Address	6900 East Michigan Avenue, Comstock, Michigan
SRN	N6731
ORIS code	55101
Issue Date	April 22, 2011
Expiration	This permit shall expire when the facility's ROP expires in accordance with Air Pollution Control Rule 336.1821.
ROP No.	MI-ROP-N6731-2011

This permit incorporates automatically the definitions of terms under Air Pollution Control Rule 336.1803.

This permit incorporates automatically, upon recordation by the USEPA Administrator in accordance with Air Pollution Control Rule 336.1822, 336.1823, and 336.1834 every allocation, transfer, or deduction of a NOx allowance to or from the compliance accounts of the NOx Budget unit(s) covered by the permit.

The owners and operators of the source must comply with the standard requirements and special provisions set forth in this permit.

This permit incorporates any attached comments, notes or justifications regarding permit decisions and changes made to the permit application forms during the review process.

Units covered under this permit

AQD Unit ID	Unit Type			
EU00002 (Unit 1)	<input type="checkbox"/> Stationary Boiler	<input type="checkbox"/> Combined Cycle System	<input checked="" type="checkbox"/> Combustion Turbine	<input type="checkbox"/> Other

Permit Application:

CAIR NOx Ozone Season Permit application submitted August 10, 2010

Standard Requirements

(a) Permit Requirements.

(1) The CAIR designated representative of each CAIR NOx source required to have a ROP and each CAIR NOx unit required to have a ROP at the source shall:

- (i) Submit to the MDNRE, AQD, a complete CAIR permit application under R 336.1821(3) in accordance with the deadlines specified in 40 CFR, Part 97.321; and
- (ii) Submit in a timely manner any supplemental information that the MDNRE, AQD, determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.

(2) The owners and operators of each CAIR NO_x source required to have a ROP and each CAIR NO_x unit required to have a ROP at the source shall have a CAIR permit issued by the MDNRE, AQD, under subpart CCCC of 40 CFR, Part 97, for the source and operate the source and the unit in compliance with such CAIR permit.

(b) Monitoring, Reporting, and Recordkeeping Requirements.

(1) The owners and operators, and the CAIR designated representative, of each CAIR NO_x source and each CAIR NO_x unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of subpart HHHH of 40 CFR, Part 97.

(2) The emissions measurements recorded and reported in accordance with subpart HHHH of 40 CFR, Part 97, shall be used to determine compliance by each CAIR NO_x source with the CAIR NO_x emissions limitation under paragraph (c) of this permit.

(c) Nitrogen Oxides Emission Requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO_x source and each CAIR NO_x unit at the source shall hold, in the source's compliance account, CAIR NO_x allowances available for compliance deductions for the control period under 40 CFR, Part 97.354(a), in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO_x units at the source, as determined in accordance with subpart HHHH of 40 CFR, Part 97.

(2) A CAIR NO_x unit shall be subject to the requirements under paragraph (c)(1) for the control period starting on the later of January 1, 2009, or the deadline for meeting the unit's monitor certification requirements under 40 CFR, Part 97.370(b)(1), (2), (3), or (7) and for each control period thereafter.

(3) A CAIR NO_x allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of this permit, for a control period in a calendar year before the year for which the CAIR NO_x allowance was allocated.

(4) CAIR NO_x allowances shall be held in, deducted from, or transferred into or among CAIR NO_x Allowance Tracking System accounts in accordance with subparts EEEE, FFFF, GGGG, or IIII of 40 CFR, Part 97.

(5) A CAIR NO_x Ozone Season allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO_x Ozone Season Trading Program. No provision of the CAIR NO_x Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or an exemption under § 97.305 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(6) A CAIR NO_x allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EEEE, FFFF, GGGG, or IIII of 40 CFR, Part 97, every allocation, transfer, or deduction of a CAIR NO_x allowance to or from a CAIR NO_x source's compliance account is incorporated automatically in any CAIR permit of the source.

(d) Excess Emissions Requirements.

If a CAIR NO_x source emits nitrogen oxides during any control period in excess of the CAIR NO_x emissions limitation, then:

(1) The owners and operators of the source and each CAIR NO_x unit at the source shall surrender the CAIR NO_x allowances required for deduction under 40 CFR, Part 97.354(d)(1), and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR, Part 97, the Clean Air Act, and applicable State rules.

(e) Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of the CAIR NOx source and each CAIR NOx unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the MDNRE, AQD, or the Administrator.

(i) The certificate of representation under § 97.313 for the CAIR designated representative for the source and each CAIR NOx unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such five year period until such documents are superseded because of the submission of a new certificate of representation under § 97.313 changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with subpart HHHH of 40 CFR, Part 97.

(iii) Copies of all reports, compliance certifications, and other submissions, and all records made or required under the CAIR NOx Ozone Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NOx Ozone Trading Program or to demonstrate compliance with the requirements of the CAIR NOx Ozone Trading Program.

(2) The CAIR designated representative of a CAIR NOx source and each CAIR NOx unit at the source shall submit the reports required under the CAIR NOx Ozone Trading Program, including those under subpart HHHH of 40 CFR, Part 97.

(f) Liability.

(1) Each CAIR NOx source and each CAIR NOx unit shall meet the requirements of the CAIR NOx Ozone Trading Program.

(2) Any provision of the CAIR NOx Ozone Trading Program that applies to a CAIR NOx source or the CAIR designated representative of a CAIR NOx source shall also apply to the owners and operators of such source and of the CAIR NOx units at the source.

(3) Any provision of the CAIR NOx Ozone Trading Program that applies to a CAIR NOx unit or the CAIR designated representative of a CAIR NOx unit shall also apply to the owners and operators of such unit.

(g) Effect on Other Authorities.

No provision of the CAIR NOx Ozone Trading Program, a CAIR permit application, a CAIR permit, or an exemption under § 97.305 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NOx source or CAIR NOx unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

Appendix 13 CAIR Annual Nitrogen Oxide Budget Permit

**CAIR Annual Nitrogen Oxide Budget Permit
 Permit No. MI-NOA-55101-2011**

Permittee	CMS- Kalamazoo River Generating Station
Address	6900 East Michigan Avenue, Comstock, Michigan
SRN	N6731
ORIS code	55101
Issue Date	April 22, 2011
Expiration	This permit shall expire when the facility's ROP expires in accordance with Air Pollution Control Rule 336.1821.
ROP No.	MI-ROP-N6731-2011

This permit incorporates automatically the definitions of terms under Air Pollution Control Rule 336.1803.

This permit incorporates automatically, upon recordation by the USEPA Administrator in accordance with Air Pollution Control Rule 336.1830, 336.1831, and 336.1834 every allocation, transfer, or deduction of a NOx allowance to or from the compliance accounts of the NOx Budget unit(s) covered by the permit.

The owners and operators of the source must comply with the standard requirements and special provisions set forth in this permit.

This permit incorporates any attached comments, notes or justifications regarding permit decisions and changes made to the permit application forms during the review process.

Units covered under this permit

AQD Unit ID	Unit Type			
EU00002 (Unit 1)	<input type="checkbox"/> Stationary Boiler	<input type="checkbox"/> Combined Cycle System	<input checked="" type="checkbox"/> Combustion Turbine	<input type="checkbox"/> Other

Permit Application:

CAIR NOx Annual Permit application submitted August 10, 2010

Standard Requirements

(a) Permit Requirements.

(1) The CAIR designated representative of each CAIR NOx source required to have a ROP and each CAIR NOx unit required to have a ROP at the source shall:

- (i) Submit to the MDNRE, AQD, a complete CAIR permit application under R 336.1821(3) in accordance with the deadlines specified in 40 CFR, Part 97.121; and
- (ii) Submit in a timely manner any supplemental information that the MDNRE, AQD, determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.

(2) The owners and operators of each CAIR NOx source required to have a ROP and each CAIR NOx unit required to have a ROP at the source shall have a CAIR permit issued by the MDNRE, AQD, under

subpart CC of 40 CFR, Part 97. for the source and operate the source and the unit in compliance with such CAIR permit.

(b) Monitoring, Reporting, and Recordkeeping Requirements.

(1) The owners and operators, and the CAIR designated representative, of each CAIR NO_x source and each CAIR NO_x unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of subpart HH of 40 CFR, Part 97.

(2) The emissions measurements recorded and reported in accordance with subpart HH of 40 CFR, Part 97, shall be used to determine compliance by each CAIR NO_x source with the CAIR NO_x emissions limitation under paragraph (c) of this permit.

(c) Nitrogen Oxides Emission Requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO_x source and each CAIR NO_x unit at the source shall hold, in the source's compliance account, CAIR NO_x allowances available for compliance deductions for the control period under 40 CFR, Part 97.154(a), in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO_x units at the source, as determined in accordance with subpart HH of 40 CFR, Part 97.

(2) A CAIR NO_x unit shall be subject to the requirements under paragraph (c)(1) for the control period starting on the later of January 1, 2009, or the deadline for meeting the unit's monitor certification requirements under 40 CFR, Part 97.170(b)(1), (2), or (5), and for each control period thereafter.

(3) A CAIR NO_x allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of this section, for a control period in a calendar year before the year for which the CAIR NO_x allowance was allocated.

(4) CAIR NO_x allowances shall be held in, deducted from, or transferred into or among CAIR NO_x Allowance Tracking System accounts in accordance with subparts EE, FF, GG, or II of 40 CFR, Part 97.

(5) A CAIR NO_x Ozone Season allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO_x Ozone Season Trading Program. No provision of the CAIR NO_x Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or an exemption under § 97.105 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(6) A CAIR NO_x allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO_x Annual Trading Program. No provision of the CAIR NO_x Annual Trading Program, the CAIR permit application, the CAIR permit, or an exemption under 40 CFR, Part 97.105, and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(7) A CAIR NO_x allowance does not constitute a property right.

(8) Upon recordation by the Administrator under subpart EE, FF, GG, or II of 40 CFR, Part 97, every allocation, transfer, or deduction of a CAIR NO_x allowance to or from a CAIR NO_x source's compliance account is incorporated automatically in any CAIR permit of the source.

(d) Excess Emissions Requirements.

If a CAIR NO_x source emits nitrogen oxides during any control period in excess of the CAIR NO_x emissions limitation, then:

(1) The owners and operators of the source and each CAIR NO_x unit at the source shall surrender the CAIR NO_x allowances required for deduction under 40 CFR, Part 97.154(d)(1), and pay any fine, penalty,

or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR, Part 97, the Clean Air Act, and applicable State rules.

(e) Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of the CAIR NOx source and each CAIR NOx unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the MDNRE, AQD, or the Administrator.

(i) The certificate of representation under § 97.113 for the CAIR designated representative for the source and each CAIR NOx unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such five year period until such documents are superseded because of the submission of a new certificate of representation under § 97.113 changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with subpart HH of 40 CFR, Part 97.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NOx Annual Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NOx Annual Trading Program or to demonstrate compliance with the requirements of the CAIR NOx Annual Trading Program.

(2) The CAIR designated representative of a CAIR NOx source and each CAIR NOx unit at the source shall submit the reports required under the CAIR NOx Annual Trading Program, including those under subpart HH of 40 CFR, Part 97.

(f) Liability.

(1) Each CAIR NOx source and each CAIR NOx unit shall meet the requirements of the CAIR NOx Annual Trading Program.

(2) Any provision of the CAIR NOx Annual Trading Program that applies to a CAIR NOx source or the CAIR designated representative of a CAIR NOx source shall also apply to the owners and operators of such source and of the CAIR NOx units at the source.

(3) Any provision of the CAIR NOx Annual Trading Program that applies to a CAIR NOx unit or the CAIR designated representative of a CAIR NOx unit shall also apply to the owners and operators of such unit.

(g) Effect on Other Authorities.

No provision of the CAIR NOx Annual Trading Program, a CAIR permit application, a CAIR permit, or an exemption under § 97.105 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NOx source or CAIR NOx unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

Appendix 14 CAIR Sulfur Dioxide Budget Permit

**CAIR Sulfur Dioxide Budget Permit
 Permit No. MI-SO2-55101-2011**

Permittee	CMS- Kalamazoo River Generating Station
Address	6900 East Michigan Avenue, Comstock, Michigan
SRN	N6731
ORIS code	55101
Issue Date	April 22, 2011
Expiration	This permit shall expire when the facility's ROP expires in accordance with 40 CFR 97.221(b).
ROP No.	MI-ROP-N6731-2011

This permit incorporates automatically the definitions of terms under Air Pollution Control Rule 336.1420.

This permit incorporates automatically, upon recordation by the USEPA Administrator in accordance with 40 CFR, Part 97, Subpart FFF, GGG, or III, every allocation, transfer, or deduction of a SO₂ allowance to or from the compliance accounts of the CAIR SO₂ unit(s) covered by the permit.

The owners and operators of the source must comply with the standard requirements and special provisions set forth in this permit.

This permit incorporates any attached comments, notes or justifications regarding permit decisions and changes made to the permit application forms during the review process.

Units covered under this permit

AQD Unit ID	Unit Type			
EU00002 (Unit 1)	<input type="checkbox"/> Stationary Boiler	<input type="checkbox"/> Combined Cycle System	<input checked="" type="checkbox"/> Combustion Turbine	<input type="checkbox"/> Other

Permit Application:

CAIR SO₂ Annual Permit application submitted August 10, 2010

Standard requirements

(a) Permit requirements.

(1) The CAIR designated representative of each CAIR SO₂ source required to have a ROP and each CAIR SO₂ unit required to have a ROP at the source shall:

- (i) Submit to the permitting authority a complete CAIR permit application under § 97.222 in accordance with the deadlines specified in § 97.221; and
- (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.

(2) The owners and operators of each CAIR SO₂ source required to have a ROP and each CAIR SO₂ unit required to have a ROP at the source shall have a CAIR permit issued by the permitting authority under subpart CCC of 40 CFR, Part 97, for the source and operate the source and the unit in compliance with such CAIR permit.

(b) Monitoring, Reporting, and Recordkeeping Requirements.

(1) The owners and operators, and the CAIR designated representative, of each CAIR SO₂ source and each CAIR SO₂ unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of subpart HHH of 40 CFR, Part 97.

(2) The emissions measurements recorded and reported in accordance with subpart HHH of 40 CFR, Part 97, shall be used to determine compliance by each CAIR SO₂ source with the CAIR SO₂ emissions limitation under paragraph (c) of this permit.

(c) Sulfur Dioxide Emission Requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR SO₂ source and each CAIR SO₂ unit at the source shall hold, in the source's compliance account, a tonnage equivalent in CAIR SO₂ allowances available for compliance deductions for the control period, as determined in accordance with § 97.254(a) and (b), not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO₂ units at the source, as determined in accordance with subpart HHH of 40 CFR, Part 97.

(2) A CAIR SO₂ unit shall be subject to the requirements under paragraph (c)(1) of this section for the control period starting on the later of January 1, 2010, or the deadline for meeting the unit(s) monitor certification requirements under § 97.270(b)(1),(2), or (5) and for each control period thereafter.

(3) A CAIR SO₂ allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of this section, for a control period in a calendar year before the year for which the CAIR SO₂ allowance was allocated.

(4) CAIR SO₂ allowances shall be held in, deducted from, or transferred into or among CAIR SO₂ Allowance Tracking System accounts in accordance with subparts FFF, GGG, and III of 40 CFR, Part 97.

(5) A CAIR SO₂ allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO₂ Trading Program. No provision of the CAIR SO₂ Trading Program, the CAIR permit application, the CAIR permit, or an exemption under § 97.205 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(6) A CAIR SO₂ allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart FFF, GGG, or III of 40 CFR, Part 97, every allocation, transfer, or deduction of a CAIR SO₂ allowance to or from a CAIR SO₂ source's compliance account is incorporated automatically in any CAIR permit of the source.

(d) Excess emissions requirements.

If a CAIR SO₂ source emits sulfur dioxide during any control period in excess of the CAIR SO₂ emissions limitation, then:

(1) The owners and operators of the source and each CAIR SO₂ unit at the source shall surrender the CAIR SO₂ allowances required for deduction under § 97.254(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

(e) Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of the CAIR SO₂ source and each CAIR SO₂ unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the permitting authority or the Administrator.

(i) The certificate of representation under § 97.213 for the CAIR designated representative for the source and each CAIR SO₂ unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such five year period until such documents are superseded because of the submission of a new certificate of representation under § 97.213 changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with subpart HHH of 40 CFR, Part 97, provided that to the extent that subpart HHH of 40 CFR, Part 97, provides for a three year period for recordkeeping, the three year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR SO₂ Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR SO₂ Trading Program or to demonstrate compliance with the requirements of the CAIR SO₂ Trading Program.

(2) The CAIR designated representative of a CAIR SO₂ source and each CAIR SO₂ unit at the source shall submit the reports required under the CAIR SO₂ Trading Program, including those under subpart HHH of 40 CFR, Part 97.

(f) Liability.

(1) Each CAIR SO₂ source and each CAIR SO₂ unit shall meet the requirements of the CAIR SO₂ Trading Program.

(2) Any provision of the CAIR SO₂ Trading Program that applies to a CAIR SO₂ source or the CAIR designated representative of a CAIR SO₂ source shall also apply to the owners and operators of such source and of the CAIR SO₂ units at the source.

(3) Any provision of the CAIR SO₂ Trading Program that applies to a CAIR SO₂ unit or the CAIR designated representative of a CAIR SO₂ unit shall also apply to the owners and operators of such unit.

(g) Effect On Other Authorities.

No provision of the CAIR SO₂ Trading Program, a CAIR permit application, a CAIR permit, or an exemption under § 97.205 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR SO₂ source or CAIR SO₂ unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.